

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 91-099

AMENDING ORDER NO. 91-026 FOR THE DISCHARGERS
CITED THEREIN

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board), finds that:

1. On February 20, 1991, the Board adopted Order 91-026. This Order prescribed effluent concentration limits for selenium for the six refineries named therein: Chevron U.S.A. (Richmond Refinery), Tosco Corp. (Avon Refinery), Exxon Company U.S.A. (Benicia Refinery), Shell Oil Company (Martinez Manufacturing Complex), Union oil Company (San Francisco Refinery), and Pacific Refining Company (Hercules Refinery).
2. Order 91-026 required final compliance by December 12, 1993. Mass emission rates based on a concentration of 50 ppb were established for Shell, Union and Exxon. These three refineries currently discharge well above their final effluent concentration and mass emission limitations, and hence a reduction in selenium discharge is required. Mass emission rates for the other three refineries, Chevron, Pacific, and Tosco, were not established at that time, as additional work was required to develop them. Following the adoption of Order 91-026, three petitions for review were filed with the State Water Resources Control Board. These Petitions were filed by the six refineries (through the Western States Petroleum Association), the Northern California and Northern Nevada Pipe Trades District Council #51, and Citizens for a Better Environment, et al.
3. Order 91-026 also provided the dischargers an opportunity to propose alternate effluent limits based on site-specific objectives, but in order for such an alternate to be approved by this Board and the EPA, the proposed limits must be protective of all applicable beneficial uses, such as estuarine habitat and preservation of rare and endangered species, and must take into account the full bioaccumulation potential of the selenium that is discharged. All six refineries have indicated their intent to develop alternate effluent limits.
4. The Board and the U.S. Environmental Protection Agency believe that an increase in the emissions of selenium would be contrary to the requirements

under Section 304(L) of the Clean Water Act. In addition, Federal and State antibacksliding and antidegradation regulations under the Clean Water Act apply, as beneficial uses in San Francisco Bay have been impaired due to selenium discharges. The Board therefore proposes, that in addition to the final concentration and mass selenium limits, to now establish interim limits for all six refineries, that would cap their selenium discharge at their current performance. Tosco, Pacific and Chevron already discharge below the concentrations allowed by Order 91-026, and therefore the Board proposes that their final and interim limits, as expressed in mass emission rates, be the same. Chevron's permit already contains a performance based limit, but the Board proposes to amend this limit to match the manner in which the mass emission rates for the other five refineries were calculated.

5. The issuance of waste discharge requirements for these dischargers is exempt from the provisions of Chapter 3 (commencing with Section 21110) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
6. The Board has notified the dischargers and interested agencies and persons of its intent to amend waste discharge requirements for the discharges and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
7. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that:

Order 91-026 shall be amended as follows:

1. Provision A.1 is amended to read:

The Dischargers named below shall comply with a selenium effluent concentration limit of 50 parts per billion and the mass emission rates listed below, by December 12, 1993:

<u>Discharger:</u>	<u>Concentration Limit:</u> (daily maximum)	<u>Mass emission rate:</u> (running annual average)***
Shell	50 ppb	2.13 lbs /day *
Union	50	0.85 *
Exxon	50	0.96 *
Tosco	50	1.00**
Pacific	50	0.05**
Chevron	50	2.38**

- * Based on 50 ppb at 1990 average flow:
(Shell: 5.1 MGD, Exxon: 2.3 MGD, Union: 2.03 MGD)
- ** Based on the maximum annual average daily mass loading during the period of 1988 to 1990.
- *** The running annual averages are to be calculated by taking the arithmetic average of the current daily mass loading value, with all of the previous year's values.

2. The following provision is added as Provision A.5:

The Dischargers named below shall comply with the following selenium effluent mass emission rates listed below, effective immediately. Compliance is to be maintained with the rates listed below until compliance is achieved with the final mass emission rates or an alternate effluent limitation acceptable to both the Board and the EPA, in accordance with Provision A.2 of Order 91-026, by December 12, 1993.

These limits are intended to be a cap on current performance, and any enforcement action by the Board will be based on violation of that narrative standard as well as violation of the explicit numeric limits listed below. The Board will review the numeric limits listed below for Tosco if they lose the use of their treatment ponds and the Board will review the numeric limits listed below for the other dischargers if material changes occur in their treatment processes.

<u>Discharger:</u>	<u>Mass emission rate:</u> (running annual average)**
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Shell	5.8 pounds/day*
Union	5.60*
Exxon	2.07*
Tosco	1.00*
Pacific	0.05*
Chevron	2.38*

- * Based on the maximum annual average daily mass loading during the period of 1988 to present
- ** The running annual averages are to be calculated by taking the arithmetic average of the current daily mass loading value, with all of the previous year's values. Compliance is to start immediately upon adoption of this Order, with use of retrospective data in calculation of the average.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 19, 1991.

A handwritten signature in dark ink, appearing to read "Steven R. Ritchie", written in a cursive style.

STEVEN R. RITCHIE
Executive Officer